

ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS
City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 2/18/2014

Appeal Expiration Date: 4/25/2014

Project Location: 210 SOUTH UNION STREET

District: I

Owner: Chad Tyler

Address: 210 SOUTH UNION ST Unit 3
Burlington VT 05401

Ward: 6

Tax ID: 049-3-194-000

Project Type: Residential - Change of Use

Project Description: Add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.

Construction Cost:	\$194,740	Lot Size (Sq Ft):	9,801
Net New Habitable Sq Ft:	984.00	Net New # of Housing Units:	1
Existing % Lot Coverage:	34.34	Existing # of Parking Spaces:	4
Proposed % Lot Coverage:	34.34	Proposed # of Parking Spaces:	5
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	5

Zoning Permit #: 14-0753CA

Decision By: Development Review Board

Level of Review: 2

Decision: Approved w/ Pre-Release Conditions
See Requirements for Permit Release

Decision Date: March 26, 2014

Project File #: 14-0753CA

Zoning Administrative Officer

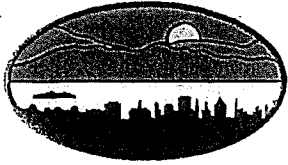
An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division until 4 pm on April 25, 2014.

Fee Type	Amount	Paid in Full	Balance Due:	\$876.33
Application Fee:	\$499.48	Yes	Date Paid:	_____
Development Review Fee:	\$876.33	No	Check #	_____
Impact Fee:	Not Applicable			

Building Permit Required: **Yes**

Permit Received by: _____

Date: _____



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level II – Conditions of Approval

ZP #: 14-0753CA

Tax ID: 049-3-194-000

Issue Date: March 26, 2014

Decision: Approved w/ Pre-Release
Conditions

Property Address: 210 SOUTH UNION STREET

Description: Add one residential unit to existing accessory structure, increasing total units for property from four to five; add one surface parking space.

Project Permit Conditions:

1. Impact fees, based on the new use of the submitted square footage (giving credit for existing storage use) shall be as follows:

SF of Project

Department	<u>Residential</u>		<u>Offices & Other (Storage)</u>	
	Rate	Fee	Rate	Fee
Traffic	0.184	181.06	0.641	630.74
Fire	0.211	207.62	0.188	184.99
Police	0.043	42.31	0.333	327.67
Parks	0.704	692.74	0.397	390.65
Library	0.436	429.02	0.000	0.00
Schools	0.911	896.42	0.000	0.00
Total	2.489	\$ 2,449.17	1.559	\$ 1,534.05

Difference: \$ 915.12

Allocation by department:

Enter Total
Fee:

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.184	67.65
Fire	0.211	77.58
Police	0.043	15.81
Parks	0.704	258.84
Library	0.436	160.30

Schools	0.911	334.94
Total	2.489	\$ 915.12

Per Section 3.3.7, Time and Place of Payment, Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

(b) Existing buildings: Impact fees must be paid *prior to issuance of a zoning permit*, or if a building permit is required, *within thirty (30) days of issuance of the building permit*.

Impact fee payments may also be accepted at the Planning and Zoning Office.

2. It will be the applicant's responsibility to make sure that he has all legal access required both for pedestrians and vehicles. It will also be the applicant's responsibility to make sure that his use of shared access, both during construction and after construction, will not violate rights of others who share those access rights. Nothing in our approval shall be construed as modifying in any way the respective access rights of the applicant and others.
3. Lighting spec sheets for any fixtures proposed for this development shall be provided to staff for review and approval **prior to release of the zoning permit**.
4. Heating vents will need to be illustrated on revised building elevations. Venting will need to be off the primary façade and located on secondary facades.
5. The guard rail at the westerly edge of the new parking space shall sufficiently screen any headlamp glare from spill into the existing primary residential structure. Conversely, a row of hedge or landscaping may be appropriately substituted for the same purpose in that location. The choice shall be forwarded to staff for review and approval **prior to release of the zoning permit**.
6. The proposed deck will require a barrier rail. Its appearance and illustration on a revised elevation drawing will be a requirement **prior to release of the zoning permit**.
7. Lot coverage shall not exceed existing.
8. The applicant will need to define any change to the location of snow storage, or method of snow removal with the addition of a new parking space **prior to release of the zoning permit**.
9. The location of the mailbox for the new unit shall be defined and illustrated on site plans/elevations, as appropriate **prior to release of the zoning permit**.
10. Zoning permits are valid for 2 years from the date of approval. Any request for an extension would have to come back before the DRB.
11. Sheathing shall match existing.
12. **Prior to release of the zoning permit**, the location for trash/recycling shall be defined. Receptacles/dumpsters, if located on the exterior of the structure, will need to be screened from public view. The method of screening shall be submitted for review and approval.
13. **Prior to release of the zoning permit**, the applicant shall be required to provide proof of water and sewer capacity from the City Engineer.
14. A state wastewater permit is likely to be required, and is the obligation of the applicant/owner to secure.
15. Parking will be restricted to the identified parking spaces on the site plan.
16. The applicant shall retain the loft door opening and distinctive barn trim.
17. Should the applicant determine after consulting with the building inspector that door and window openings on the north elevation need to be moved to comply with building code requirements, the applicant will submit revised elevations and site plan for review and approval by staff.
18. Standard permit conditions 1-15.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** This zoning permit shall become invalid unless work or action authorized by the permit is commenced by **March 26, 2015**. The owner shall complete the approved project and obtain a UCO (combined Zoning and Building certificates of occupancy, still applicable even if a zoning or building permit was not required) by **March 26, 2016**, or be subject to enforcement actions.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).

3. **Unified Certificate of Occupancy (UCO):** It shall be unlawful to use or occupy (or allow the use or occupancy of) any land or structure or part thereof which has been created, changed, converted, or wholly or partly altered or enlarged in its use or structure without a UCO.

If the project is partially completed, meets "prior to issuance of a UCO" conditions of approval, meets all health and safety standards, and all municipal fees for the project are paid, a Temporary Zoning CO may be requested and issued. **Upon completion of the project**, applicant shall request and obtain a Final UCO from the Code Enforcement Office (located at 645 Pine Street). Additional information on how to request and obtain this UCO is available at this office. **Failure to obtain a certificate of occupancy** places the property in violation of the CDO and is subject to enforcement.

In addition, **Failure to obtain a UCO within the time limits above is subject to** "after the fact" fees ranging from \$75 - \$1500 (in addition to the UCO fee).

4. **Project Modifications.** The project shall be completed as shown on the plans, which have been stamped "approved" and dated by the administrative officer. The project shall not deviate from the approved plans or conditions of approval without prior written approval from the administrative officer.
5. **Property Inspection.** By acceptance of this permit, the owner authorizes City Officials and/or their authorized representatives, access to the subject property for the purpose of observing work in progress, inspecting and/or measuring the property or improvements until such time the project has been issued a Final UCO.
6. **Completion and Maintenance of Improvements and Landscaping.** Owner or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Owner agrees to maintain all improvements in a satisfactory condition. Any

landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.

7. **Off-Site Drainage.** Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties including but not limited to the public Right of Way.
8. **Errors.** The owner is solely responsible for the accuracy of all information contained in the Zoning Permit application. Any errors contained therein may invalidate the Zoning Permit and may result in enforcement action by the City.
9. **Transfer of Ownership.** All zoning permits run with the land. In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. **Violations/Penalties.** A violation of any of the conditions of this permit or of any provision of the CDO may result in enforcement actions, including but not limited to a penalty of up to two hundred dollars (\$200) per day, municipal tickets, and/or additional permitting fees.
11. **Incorporation and Reference of All Plans Presented.** This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant on the subject application to the extent that they are not in conflict with other stated conditions or regulations.
12. **For Properties Involved in Boundary Disputes.** Boundary disputes are not within the jurisdiction of the administrative officer or the Development Review Board. When an application is submitted and the boundary of the subject property is called into question, the boundary will be determined based upon the best evidence available, for instance a survey or other official document. If a permit is issued and contrary evidence is presented to the City after the fact, such as a survey or Superior Court ruling with respect to the boundary lines, the permit may be amended or revoked by the City. If the permit is amended or revoked, owner shall bear all costs to remedy the situation, including removal of the structure(s) if necessary, that is if the structure(s) is/are unable to meet the requirements of the CDO and receive an amended permit in light of the actual boundary line.
13. **Damage to City Property.** The Owner is responsible for any damage to the City of Burlington's property, including but not limited to its right-of-way, sewer/water lines, etcetera, that occurs during the site improvements authorized by this permit. If damage occurs, the Owner shall restore the property to a condition equal to or better than the condition of the property prior to such damage.
14. **City Rights-of-Way and Ownership.** Permit approval does NOT authorize any work to be undertaken within the public ROW. Any work in the ROW can only occur with prior authorization by DPW and City Council, as required. Any work or improvements that are taken within the City's right of way does not diminish the City's ownership or authority regarding said right of way.
15. **Liquor License Required.** An approval of any use that includes the sale of alcoholic beverages is contingent upon the receipt of a liquor license from the City of Burlington or the State of Vermont, whichever is applicable.